

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

v.

SIDONIE SQUIER, Secretary of  
the New Mexico Human Services Department,

No. CIV 88-0385 KG/ACT  
Consolidated with  
No. CIV 88-0786 JC/ACT

Defendant.

**STIPULATED PRE-HEARING ORDER**

**I.** This matter is scheduled for an evidentiary hearing for March 25 and 26, 2014, on Plaintiffs' two motions identified as follows:

- (1) Plaintiffs' Motion to hold Defendants in Contempt and for Sanctions, and
- (2) Plaintiffs' Motion to Enforce Compliance with Decree for Newborn and Children's Medicaid Applicants.

The parties pursuant to Order of the Court hereby submit this Stipulated Pre-Hearing Order.

**II. Appearances**

Attorneys who will appear in this action are identified as follows:

For Plaintiffs:

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For Defendant:

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### **III. Plaintiffs' Motion to Hold Defendant in Contempt and for Sanctions**

#### **WITNESSES**

For Plaintiffs:

1. Stephanie Tsosie – law clerk at the New Mexico Center on Law and Poverty
2. Sireesha Manne – staff attorney at Center
3. Yiham Chang or Fei Chue – Medicaid applicant
4. Kemoy Christie – Medicaid applicant
5. Lina Wu – Medicaid applicant
6. Sovereign Hager – staff attorney at Center
7. Micaela Cadena – Medicaid applicant
8. Laxmi Bhattaria – Medicaid applicant
9. Other Medicaid or SNAP applicants who will be named by 1/31/14
10. Any of Defendant's listed witnesses

All Plaintiffs' witnesses can be contacted c/o:

Gail J. Evans, Esq.  
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720 Vassar Dr. NE  
Albuquerque, NM 87106  
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For Defendant:

1. Ted Roth, former Director of ISD
2. Vida Tapia-Sanchez – ISD
3. Marilyn Martinez – Deputy Director ISD
4. Rachelle Klump – Former OGS attorney

All Defendant's witnesses can be contacted c/o:

Raymond W. Mensack, Esq.  
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[raymond.mensack@state.nm.us](mailto:raymond.mensack@state.nm.us)

**EXHIBITS**

For Plaintiffs:

1. Envelope – Head of Household info – Ex. B
2. April Gomez' 6/11 HUMAD form – Ex. D
3. 2/13 email from Liz Sandoval, NW Bernalillo County Director – Ex. F
4. M.J.'s case notes – email and handwritten – Ex. K and Ex. L
5. Letter from Squier – Ex. M
6. ISDR Reason Code 202 – Exhibit in notice of additional evidence
7. Summary Evidence in Lina Wu's case – Exhibit in notice of additional evidence
8. Summary Evidence in Kemoy Christie's case – Exhibit in notice of additional evidence
9. Any other letters that we have written to HSD on these issues over the past few years
10. Tri-agency letter – Ex. N
11. USDA letter – Ex. O
12. CMS 7/10 ltr – Exhibit 1 to reply brief
13. MAD IPP on lawfully residing pregnant women – Ex. 2 to reply brief
14. HSD Applications for public benefits – the current version and the previous version
15. Defendant's Exhibits or others necessary for rebuttal

For Defendant:

1. ISD GI 13-13 – Ex. 1 to Roth Affidavit
2. Crudup email dated February 2, 2012 – Ex. 2 to Roth Affidavit
3. Kemoy Christie – ISD file
4. Lina Wu – ISD file
5. Yi Han Chang – ISD file
6. Ha Sun Yoo – ISD file
7. Exhibits listed or provided by Plaintiffs or as necessary for rebuttal

**IV. Plaintiffs' Motion to Enforce Compliance with Decree for Newborn and Children's Medicaid Applicants**

**WITNESSES**

For Plaintiffs:

1. Gloria Goodman – Medicaid applicant
2. Other Medicaid applicants who will be named by 1/31/14

All Plaintiffs' witnesses can be contacted c/o:

Gail J. Evans, Esq.  
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For Defendant:

1. Ted Roth, former Director of ISD
2. Roy Burt – Chief of Eligibility Bureau of the MAD
3. Vida Tapia-Sanchez – ISD
4. Jocelyn Vigil – McKinley County, County Director
5. Elizabeth Jakeway – San Juan County, County Director

All Defendant's witnesses can be contacted c/o:

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## **EXHIBITS**

### **For Plaintiffs:**

1. MAD MR – citizenship and identity are met at first and all subsequent re-certs – Ex. 1
2. Notice of Closure – Ex. 2
3. Data from HSD in response to IPRA – Ex. 3
4. Additional notices and/or data from HSD
5. Exhibits listed or provided by Defendant or as necessary for rebuttal

### **For Defendant:**

1. Newborn Medicaid Expiration Letter – Ex. 1 to Roth Affidavit
2. Newborn Medicaid Expiration Letter – Ex. 2 to Roth Affidavit
3. Spreadsheet of children transitioned from Category 031 – Ex. 1 to Burt Affidavit
4. Receipt of Proof – Ex. 1 to Tapia-Sanchez Affidavit
5. Medicaid Application – Ex. 2 to Tapia-Sanchez Affidavit
6. HUMAD form – Ex. 3 to Tapia-Sanchez Affidavit
7. Gloria Goodman – ISD file
8. Exhibits listed or provided by Plaintiffs or as necessary for rebuttal

## **V. Discovery for Both Motions**

1. Discovery demands will be made within fifteen (15) days from submission of this Order and will be limited to interviews of the witnesses listed in this Order. The interviews may be recorded and transcribed at discretion of counsel.
2. Discovery will close on March 7, 2014, unless extended by the Court or by mutual written agreement of the parties.

## **VI. Discovery Motions**

1. All discovery motions shall be filed on or before March 7, 2014.

## **VII. Other Motions**

1. All other motions including motions to strike, motions in limine, etc. shall be filed on or before March 7, 2014.

**VIII. Time Limit to Respond to Motions**

If any motions are filed pursuant to Sections VI and VII, the opposing party shall have only 10 days to file a response. If the response date falls on a weekend the date due shall be the following Monday. Because this matter is scheduled for hearing on March 25 and 26, no replies will be necessary. The parties shall notify the Court that the motion and response have been filed.

**IX. Exchange of Exhibits**

The parties shall exchange exhibits ten days prior to the hearing. Further, any demonstrative aides will also be exchanged at that time.

The foregoing proposed Pre-Hearing Order (prior to execution by the Court) is hereby approved this 28<sup>th</sup> day of January, 2014.

APPROVALS

For Plaintiffs:

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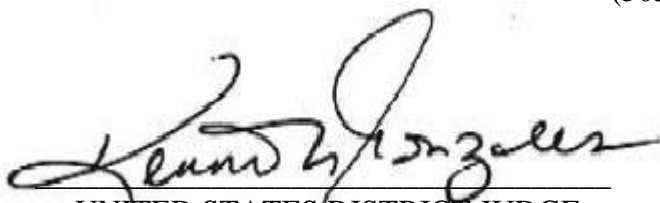
For Defendants:

/s/

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/s/

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A handwritten signature in black ink, appearing to read "Leonard H. Jones", written over a horizontal line.

UNITED STATES DISTRICT JUDGE